

Amendments to the Drawings

The replacement sheet in the Appendix includes changes to Figure 5. In Figure 5, the number "7" has been changed to "7'" to conform to the amended specification.

Remarks

The specification, drawings, and abstract have been amended to make editorial changes therein, bearing in mind the criticisms in the Official Action, to place the application in condition for allowance at the time of the next Official Action. Reconsideration and withdrawal of the objections to the specification, drawings, and abstract are respectfully requested.

The indication that claims 3 and 5-12 include patentable subject matter is acknowledged with thanks. In reliance thereon, claim 5 has been amended into independent form by adding the subject matter of claim 1. Allowance of claim 5 is respectfully requested as this claim includes subject matter indicated to be allowable.

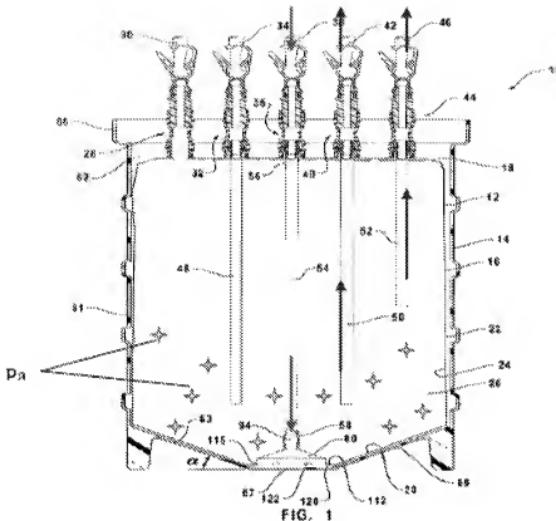
Claims 1-12 were rejected under §112, second paragraph, and have been amended to place them in a form more suited to U.S. practice. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-2 and 13 were rejected as unpatentable over STEWART 5,941,635 in view of HUTCHINSON 5,121,857 and claims 4 and 14 were rejected further in view of BIBBO et al. 2003/0231546. Reconsideration and withdrawal of the rejections are respectfully requested.

STEWART discloses a resuspension system 10 that includes a collapsible media bag 12 within a rigid support container 14. The media bag 12 includes a body wall 16 having a top end 18, a

bottom end 20, and exterior surface 22 and an interior surface 24. The media bag 12 also includes a third port assembly 36 coupled to a tube 54, and a fourth port assembly 40 and a fifth port assembly 44 coupled to first and second outlet tubes 42, 46 to media bag 12. The media bag further includes a mixing block 60 used to achieve a rapid mixing and resuspension of the fluid in the media bag (STEWART, column 3, lines 1-2).

As shown in the annotated drawing below, during operation of peristaltic pump 73, fluid is drawn from chamber 26 into either a dip tube 50 and first outlet 42 or dip tube 52 and second outlet tube 46 (column 5, lines 7-9), then the fluid travels down transition tube 68 through peristaltic pump 73 and back to media bag 12 through return tube 38 (column 5, lines 12-14), and finally the fluid passes through tube 54 and mixing block 60 where it enters chamber 26 (column 5, lines 14-16). The arrows in the drawing below represent the flow of fluid into and out of media bag 12 during operation of the pump. The mixing block 60 mixes and resuspends particles PA of the fluid in chamber 26. The mixing block effects a rapid mixing and resuspension of the fluid and precludes the need to shake the container or media bag (column 3, lines 1-4). There is no need for an agitator in the media bag.

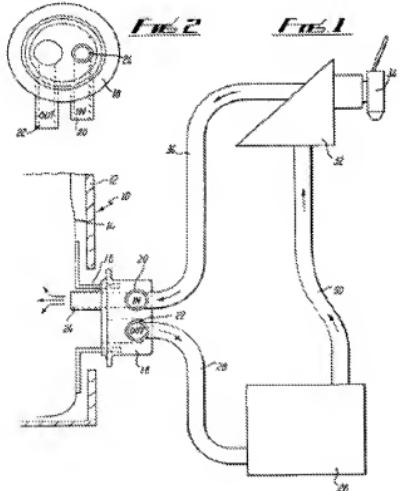


The Official Action acknowledges that STEWART does not disclose an orifice for the liquid to discharge to the outside of the bag on the lower surface of the bag. Applicant agrees since STEWART discloses outlet dip tubes 50, 52 inside the media bag (column 3, lines 31-32).

There is a further difference between claim 1 and STEWART; the reference also does not disclose that the upper face of the media bag includes an orifice for the liquid to return through which said liquid returns to the inside of the bag. STEWART discloses that only the mixing block 60 at the bottom of the

media bag allows fluid to return inside the media bag (column 5, lines 14-16).

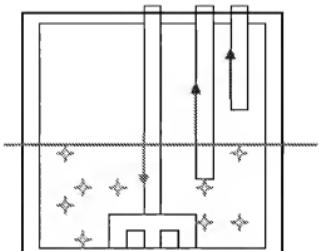
The Official Action relies on HUTCHINSON to make up for the shortcomings of STEWART. HUTCHINSON discloses an agitating apparatus for a fluid contained inside a bag 14 that is included in a container 12. As shown in the drawings below, the apparatus includes a connector 18 that has an inlet port 20 and an outlet port 22, the inlet port being connected to a return nozzle 24 projecting into the bag 14, and a pump assembly 26 that is connected to outlet 22 of the connector 18 by a flexible line 28. A return line 36 is connected to the inlet port 20 of the connector 18.



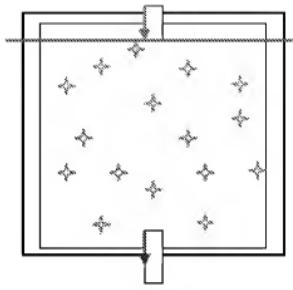
In contrast to the assertion in the Official Action, HUTCHINSON does not disclose that the lower face of the bag includes an orifice for the liquid to discharge to the outside of the bag. In Figure 2, HUTCHINSON discloses that the orifice is on lateral (side) surface of the bag. There is no suggestion to move this orifice to the lower face in the manner claimed herein. Positioning the orifices as claimed permits gravity to help maintain an efficient mixing of the particles. This advantage is not suggested in the references and one of skill in the art would not find moving the orifice to the lower face, as claimed, to be an obvious modification of the STEWART device.

One of skill in the art would see that the two ports in HUTCHINSON are on the same lateral surface (at the connector assembly, column 2, line 6, and Figure 1). There is no suggestion to place them on opposite, upper and lower, faces.

Indeed, as demonstrated in the two drawings below that compare the STEWART device with that of claim 1, the connection of the mixing duct to the upper and lower faces achieves an efficient mixing, storing, and homogenizing of liquids without significant risk of introducing pyrogenic particles. Placing the two ports on the same side face as shown in Figure 1 of HUTCHINSON would not achieve the efficiency available with the present invention.



Stewart '635



Claim 1

New claims 15-16 have been added and their consideration and allowance are respectfully requested. The references do not disclose that the mixing duct is connected to the upper and lower faces to discharge and take in fluid "directly" as claimed. Support for the amendment is found in Figures 1 and 3, for example.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Thomas W. Perkins/

Thomas W. Perkins, Reg. No. 33,027
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

TWP/fb

Appendix

- Abstract of the Disclosure
- one replacement drawing sheet.